

FILED

United States District Court
Eastern District of Virginia
Richmond Division

2010 JUL 13 P 2:38

**Herb Lux, Stephen Cruse, Andrew Mikel,
and Eugene Foret,**

Plaintiffs,

v.

**Nancy Rodrigues, Jean Cunningham, and
Harold Pyon,** members of the Virginia State
Board of Elections, in their official capaci-
ties,

Defendants.

Civ. No. 3:10cv482

Motion for Preliminary Injunction

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs Herb Lux, Stephen Cruse, Andrew Mikel, and Eugene Foret respectfully move for a preliminary injunction to:

(1) Enjoin the enforcement of **Virginia Code Annotated section 24.2-506**, which prohibits non-district residents from circulating candidate petitions on behalf of a candidate for the United States House of Representatives; and

(2) Compel Defendant members of the Virginia State Board of Elections to canvass and verify any and all candidate petitions submitted by Herb Lux regardless of whether the petition circulator is a resident of Virginia's Seventh Congressional District and to certify him for the ballot provided that he has submitted a sufficient number of signatures from qualified voters.

This motion is made on the grounds specified in this motion, Plaintiffs' brief in support hereof, the Verified Complaint, and such other and further evidence as may be presented to the Court at the time of the hearing.

July 13, 2010

Respectfully Submitted,

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*Pro hac vice application pending.

**Of counsel, pending full admission to
the U.S. District Court for the Eastern District
of Virginia

/s/ Mark Matney

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